IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 32056 of 1999(N)

PETITIONER:

A.P. YOHANNAN, ADOOKKATTIL HOUSE, KUZHIYARA P.O., CHOTTANIKKARA, ERNAKULAM DIST.

BY ADV. SRI.N.MURALEEDHARAN NAIR
SRI.R.MURALIDHARAN (AROOR)

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY. GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SALES TAX OFFICER, 1ST CIRCLE, TRIPUNITHURA.

3. DEPUTY TAHSILDAR (RR), TALUK OFFICE, KUNNATHUNADU.

BY GOVERNMENT PLEADER SRI. K.P. PRADEEP

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 54456 OF 1999 IN OP 32056 OF 1999

DISMISSED

16.11.2007 SD/-C.N. RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ASSESSMENT ORDER PASSED BY THE 2ND RESPONDENT DATED 31.8.1996FOR THE ASSESSMENT YEAR 1984-85

EXT.P2 DO.DO. FOR THE YEAR 1985-86

EXT.P3 DO.DO. FOR THE YEAR 1986-87

EXT.P4 TRUE COPY OF THE ORDER OF THE KERALA STATE SALES TAX APPELLATE TRIBUNAL, ADDL. BENCH I, ERNAKULAM DATED 18.6.1999

EXT.P5 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN TRC NOS. 181/99, 189/99, AND 190/99 DATED 17.11.1999

EXT.P6 TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 28.12.1999

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 32056 OF 1999

Dated this the 16th day of November, 2007

JUDGMENT

Subsequent to the filing of this O.P. petitioner has filed Ext.P6 petition dated 28.12.1999 before the second respondent namely, Sales Tax Officer (WC), office of the Deputy Commissioner of Commercial Taxes, Ernakulam claiming benefit under Section 7(7AAAA) of the KGST Act. For the time being petitioner limits his prayer in the O.P. for a direction to the second respondent to dispose of Ext.P6 after hearing the petitioner. O.P. is accordingly disposed of directing the second respondent to hear the petitioner and pass orders on Ext.P6. If copy of Ext.P6 is not available with the second respondent, he will permit the petitioner to submit a fresh copy and dispose of the same within two months from the date of production of a copy of this judgment. Second respondent will naturally follow statutory provisions, circulars and guidelines in the matter.

(C.N. RAMACHANDRAN NAIR)
Judge

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